

REMARKS

Claims 1-15 are pending. Claims 1-4 have been allowed. Accordingly, claims 5-15 are at issue.

Applicants respectfully traverse the rejection under Section 112 of claims 5-12 and 13-15. The Office Action alleges that the claims fail to provide a sufficient antecedent basis for the limitation “said walls” in these claims. The rejection states that “it is unclear if the vertical walls, the transverse walls, or all walls are encompass within “said walls”. However, as noted in the Office Action, prior to the recitation “said walls”, the claims do recite two vertical walls and two transverse walls. It is respectfully submitted that it would be clear to one skilled in the art that given the previous recitation of two vertical walls and two transverse walls, that the recitation of “said walls” must by necessity be referring to any of the previously recited walls and accordingly, there is an antecedent basis. That is all that is required under § 112. The requirement implied by the Office Action is that Applicants must limit their claims to specifically recite one of the vertical walls, the transverse walls, or all walls. It is respectfully submitted that this limitation would unnecessarily narrow the claims. Again, because the claim recites “walls” before its use of “said walls”, there is a proper antecedent basis.

Claim 7 has been amended to depend from claim 6, rather than claim 5. Claim 6 provides an antecedent basis for “said bulging” in line of three of claim 7. Accordingly, it is believed that the rejection under section 112 should be withdrawn.

Applicants respectfully traverse the rejections of claims 5, 8 and 10-15 under Section 103 based on a combination of Kanemitsu et al. 5,123,695 in view of Murphy 4,485,531. The rejection is based upon if an improper modification of Kanemitsu by Murphy. Specifically, the rejection proposes to modify Kanemitsu by substituting the “**stop pin**” of Murphy for the standard bolt type fasteners of Kanemitsu because it would have been obvious to one skilled in the art “to use the stop pin within the front body structure of Kanemitsu in order to provide a quickly attachable, relatable fastening device with which to attach said heat exchangers.” The rejection is improper because the stop pin of Murphy is not disclosed as a “fastening device” as alleged in the rational for making the rejection. Rather, as expressly stated in Murphy and as implied by its name, the stop pin is disclosed as only being suitable “a stop to prevent longitudinal motion” in the carrier of the elements beyond the shank portion.” (Murphy, column

one, lines 66-column two, line 1.) That the stop pin of Murphy is not a fastener is also clear because the carrier 15 in which it is inserted is a one piece construction that is not in any way “fastened” by the stop pin. Furthermore, even if Murphy were to be disclosed as a fastener, one skilled in the art familiar with the construction of automobile heat exchangers, and the associated vibrational and stress environment of such heat exchangers, would not look to a structure such as disclosed in Murphy to replace the threaded fasteners in the construction of Kanemitsu et al. because there is nothing to indicate that a structure such as Murphy would be a suitable substitution (i.e., provide the required fastening strength and resilience) of the threaded fasteners in the structure of Kanemitsu. In short there is nothing to suggest that the structure of Murphy would keep Kanemitsu’s structure from falling apart. In view of the foregoing, it is respectfully submitted that all of the rejections based upon the combination of Kanemitsu in view of Murphy are improper and should be withdrawn.

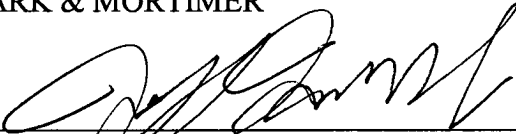
Applicants respectfully traverse the rejection of claim 8 is unpatenable over Kanemitsu in view of Murphy and further view of Sewell et al. 4,583,338. In addition to the reasons discussed above, the rejection is based upon an improper modification of Kanemitsu in view of Murphy by Sewell et al. The Office Action asserts that it would be obvious to make the proposed modification “in order to provide a brace which is reduced in weight while retaining a good level of structural strength”. However, there is nothing in Sewell et al. that indicates that its “door panel” is suitable for use as a brace, as alleged in the rational for making the rejection. It is obvious that the door panel disclosed in Sewell et al. is not used as a brace to join to other structure elements. Accordingly, the alleged teaching to use the door panel as a brace is clearly missing from the references. Furthermore, even if there were such a teaching, there is nothing in Sewell to indicate that a brace made according to its door panel construction would result in a reduction of weight in comparison to the braces disclosed in Kanemitsu et al. In this regard, it should be noted that Sewell et al. specifically states that its door “is completed by a fixing front sheet panel (not shown) and a rear sheet panel 20 over the opposite, front and rear faces of the frame 6 and the parallel, outer edges of the strips 16”. It is hard to understand how the door structure that requires both front and rear cover sheets would provide a reduction in weight comparison to the brace disclosed in Kanemitsu et al. For these additional reasons alone, the rejection of claim 8 is improper and should be withdrawn.

In view of the foregoing, Applicants respectfully request reconsideration of the rejection of claims 5-15 and allowance of the case.

Respectfully submitted,

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